



An  
Bord  
Pleanála

**Board Direction**  
**BD-010803-22**  
**ABP-310873-21**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 31/05/2022.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below that the planning authority be directed, as follows:

Remove condition number 2.

Amend condition number 14 as follows:

The developer shall pay to the planning authority a financial contribution of €5,220 (five thousand two hundred and twenty euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or,

in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Attach further condition as follows:

Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

### **Reasons and Considerations**

Having regard to the nature and scale of the proposed development, and the location within the built-up urban area and to the pattern of development in the vicinity, and the zoning objective pertaining, it is considered that the proposed development would represent an appropriate densification of the site, would not impact unduly on the residential amenities of dwellings in the vicinity and would therefore be in accordance with the proper planning and sustainable development of the area.



The planning authority did not properly apply the terms of the development contribution scheme adopted under section 48 of the Planning and Development Act 2000, as amended, being the Castlebar Town Council Development Contribution Scheme 2011, and it is necessary therefore to amend the contribution figure applied under condition number 14. It is considered reasonable, therefore, and in accordance with the provisions of this scheme to reflect the nature and scale of the proposed development and its location in Castlebar Town.

**Note 1:** The Board noted that the Planning Authority's Condition 14 included provision for a cash deposit of €12,000 and agreed with the Planning Inspector that it was inappropriate to attach such a requirement as part of Condition 14 as it does not fall within the scope of the Section 48 Development Contribution Scheme. However, the Board considered that it was appropriate to include a condition for an unspecified bond to provide for the reinstatement of the works to the footpath, parking and services required in connection with the development.

**Note 2:** Copy of Board Direction to issue with the Board Order.

Board Member: Maria Fitzgerald  
Maria Fitzgerald

Date: 31/05/2022

